



## Kyrgyz Republic

### Country Reports on Human Rights Practices - [2002](#)

Released by the Bureau of Democracy, Human Rights, and Labor

March 31, 2003

Although the 1993 Constitution defines the form of government as a democratic republic, President Askar Akayev dominated the Government. Despite constitutional limitations, Parliament has become more independent and sometimes modified or blocked presidential initiatives. Civil society was relatively strong. In October parliamentary by-elections took place in four electoral districts. The elections were generally orderly and competitive in three districts, but serious voting irregularities were observed in one district where the race was strongly contested. In 2000 serious irregularities marred parliamentary and presidential elections. The Constitution provides for an independent judiciary; however, the executive branch dominated the judiciary, and the Government used judicial proceedings against prominent political opposition and independent media figures in numerous instances.

Law enforcement responsibilities were divided among the Ministry of Internal Affairs (MVD) for general crime, the National Security Service (SNB) for state-level crime, and the procurator's office for both types of crime. Both the MVD and the SNB deal with corruption and organized crime. The civilian authorities generally maintained control of the MVD and the SNB and maintained full control of the newly created State Border Guard Service (SBGS). Some members of the security forces committed serious human rights abuses.

The country is poor and mountainous, with a rough balance between agricultural and industrial production and a population of approximately 5 million. The Government has carried out progressive market reforms, although some intended reforms have not been implemented fully. The economy was stable during the year. Gross domestic product declined by 0.5 percent. Inflation was 2.3 percent. Industrial production remained significantly below preindependence levels. Foreign assistance played a significant role in the country's budget. Unemployed workers and government workers with low salaries or unpaid benefits continued to face considerable hardship. Pensions were being paid, but the amount provided only for subsistence living. The average annual income was \$230, while the subsistence level income was estimated at \$366 per year. Sixty percent of the population lived below the poverty level.

The Government's human rights record remained poor, and it continued to commit numerous abuses. Nongovernmental organizations (NGOs) and parliamentary deputies sometimes succeeded in blocking presidential initiatives through parliamentary action and grassroots campaigns. Members of the security forces at times beat and otherwise mistreated persons; police killed six persons participating in demonstrations in March. Prison conditions remained very poor, and there were many cases of arbitrary arrest or detention. Executive domination of the judiciary limited citizens' right to due process. Executive branch interference affected verdicts involving prominent opposition figures. The Government restricted some privacy rights. The Government restricted freedom of speech and of the press. The Government used bureaucratic means to harass and pressure the independent media, some NGOs, and the opposition. The Government restricted freedom of assembly and freedom of association. The Government generally respected freedom of religion; however, at times it infringed on this right, in particular for radical Islamic groups it considered to be a threat to the country. There were some limits on freedom of movement. Citizens were usually able to move freely in the country; however, the Government attempted to block the travel of citizens to politically significant events on several occasions. The Government harassed and pressured some human rights groups. Violence and discrimination against women were problems. Violence against children was a problem, and there were growing numbers of street children. Discrimination against ethnic minorities was a problem, as was child labor. Trafficking in persons was a persistent problem, which the Government took steps to address.

#### RESPECT FOR HUMAN RIGHTS

## Section 1 Respect for the Integrity of the Person, Including Freedom From:

### a. Arbitrary or Unlawful Deprivation of Life

There were no reports of political killings; however, police killed six persons during demonstrations in March.

On March 17, MVD forces opened fire on a group of unarmed demonstrators marching in support of jailed parliamentarian Azimbek Beknazarov in Aksy District, Jalal-Abad Oblast. The security forces killed 5 demonstrators and injured 17, mostly with bullet wounds. On March 18, MVD forces again fired on demonstrators in the village of Kerben, Aksy District, killing one person and injuring seven. On December 28, a court convicted four of the seven local law enforcement officers charged in the killings of five protesters; three officers were acquitted. In its May 20 report, the presidentially appointed Kyrgyz State Commission investigating the Aksy violence recommended that officials from the prosecutor's office also be investigated for complicity; by year's end no investigations had taken place. Citizens continued to call for higher ranking officials to face accountability for the Aksy events (see Section 2.b.).

There were no reported casualties from landmines laid by Uzbekistan forces in Kyrgyz territory in response to the Islamic Movement of Uzbekistan (IMU) incursions into both countries in 1999 and 2000 (see Section 1.c.).

On June 29, unknown assailants killed a Chinese diplomat in Bishkek. Three suspects were detained in connection with the shooting on July 3.

During the year, Uzbekistan border patrols shot five Kyrgyz civilians, killing one person and injuring four, in incidents near nondemarcated border areas.

### b. Disappearance

There were no reports of politically motivated disappearances.

### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture, mistreatment, and inhuman or degrading punishment; however, police and SNB forces committed abuses including beatings and other mistreatment. There were no reports of the use of torture. At times police used beatings to extract confessions. There were several credible reports that police beat human rights activists and demonstrators while in detention. The supervision of conditions for pretrial detainees was poor; police were supervised poorly, were not always paid promptly, and at times committed crimes.

On August 28, the Military Court of the Chui Garrison acquitted Belovodsk police officers for the July 2001 torture and forced confession of a prisoner. On September 4, the procurator appealed the acquittal. On December 2, the appellate court upheld the lower court's acquittal. Following that decision, the prosecutor filed an appeal with the Supreme Court, which had not heard the case at year's end.

The police at times used force to disrupt opposition demonstrations (see Section 2.b.).

Government officials facilitated, or were complicit in, trafficking (see Section 6.f.).

On September 6, an unknown assailant threw three grenades at the acting Head of the Presidential Administration and Secretary of the National Security Council, Misir Ashirkulov, who was seriously injured.

No casualties were reported from landmines laid by Uzbekistan in Kyrgyz territory in response to the IMU incursions into both countries in 1999 and 2000.

Prison conditions were very poor and included overcrowding, food shortages, and lack of heat and other necessities. On July 1, the Government transferred control over non-SNB prisons from the MVD to the Ministry of Justice (MOJ). Prisoners detained by the SNB were kept in SNB facilities; after conviction they were held in a regular prison. Male and female prisoners were held separately. Conditions in the women's prison were less overcrowded than in those for men, and inmates were allowed to perform menial labor to earn money needed to provide necessities. Juveniles were held separately from adults. There were no special facilities for political prisoners. Pretrial detainees were held separately from convicted prisoners. Pretrial detention facilities were extremely overcrowded, and conditions generally were worse than in regular prisons. Prison visits by family

members were at the discretion of the investigator during the investigation phase. After a conviction, family members were allowed to visit a prisoner regularly.

The Government usually permitted domestic and international human rights observers to visit prisons. On August 14, the International Commission of the Red Cross (ICRC) reached an agreement with the MOJ allowing free access to visit detainees in prisons under its jurisdiction. The ICRC was allowed to visit detainees in SNB prisons in accordance with the ICRC's standard procedures. The ICRC made multiple visits to jailed opposition leader Feliks Kulov during the year. Diplomatic observers also visited Kulov in October and reported that he appeared to be well treated.

#### d. Arbitrary Arrest, Detention, or Exile

The law and the Constitution prohibit arbitrary arrest and detention; however, police at times used ill-defined charges to arrest persons and could be bribed to release them.

The procurator's office determined who could be detained, arrested, and prosecuted. The procurator must issue an arrest warrant before a person may be detained, and there were no reports that this provision was abused. The Criminal Code permits law enforcement officials to detain suspects for 72 hours before releasing them or charging them with a crime. The Criminal Procedure Code requires notification of a detainee's family by the investigator within 12 hours of detention; however, this requirement often was not observed in practice. Persons arrested or charged with crimes had the legal right to defense counsel; if a suspect was charged, the procurator was required to advise defense counsel immediately. Defense counsel should be permitted to visit the accused within the first 3 days of incarceration; however, at times the accused did not see defense counsel until trial.

The SNB, the MVD, and the General Procurator carried out investigations. The accused usually remained in detention while the procurator investigated and prepared the case for trial. The procurator had the discretion to keep the accused in pretrial detention for as long as 1 year, but there were regulations that provided for provisional release before trial. After 1 year, the procurator was required to release the accused or ask Parliament to extend the period of detention. There have been no known instances in which Parliament was asked to extend a detention.

Security forces detained 49 persons during the year for membership in the illegal Hizb ut-Tahrir Islamic organization and distribution of its literature (see Section 2.c.).

Authorities detained some demonstrators during the year (see Section 2.b.).

There were no developments in the case of Noomanjan Arkabayev from the Osh branch of the Kyrgyz Committee for Human Rights (KCHR), who was arrested in June 2001 for allegedly distributing antigovernment leaflets. In July Arkabayev became an assistant to the first deputy minister of the MVD.

On January 5, the Government detained parliamentarian Azimbek Beknazarov on charges related to his work as a criminal investigator in 1995. Beknazarov, the chairman of the Committee on Courts and Legal Issues of the Legislative Assembly, was an outspoken critic of the Government's border agreements with China and Kazakhstan. He was held in pretrial detention until March 19, when he was summarily released in the aftermath of the MVD shootings of his supporters in Aksy District. On May 24, Beknazarov was given a 1-year suspended sentence.

In the past, the SNB arrested Uighurs (an Islamic Turkic group native to western China) on ill-defined charges (see Section 2.c.); however, there were no reports of such arrests during the year. Two Uighurs were detained in connection with the shooting of a Chinese diplomat and reportedly deported to China.

The law does not provide or prohibit forced exile, however, there were no reports that the Government employed it in practice. The president of the KCHR, previously in self-imposed exile abroad, returned to the country in April (see Section 4).

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the executive branch continued to dominate the judiciary. The courts were perceived widely as a rubber stamp for the procurator and for high-ranking government officials.

Cases originated in local courts; they could move to appeals courts at the district or regional level and finally to the Supreme Court. There were separate military courts and a separate arbitration court system that handled economic disputes.

The Constitutional Court had responsibility for determining the constitutionality of laws, resolving disputes concerning the interpretation of the Constitution, and determining the validity of presidential elections.

Traditional elders' courts considered property and family law matters and low-level crime. Cases were submitted by agreement of the parties; decisions of elders' courts could be appealed to the corresponding municipal court. Local elders' courts were under the supervision of the procurator's office but did not receive close oversight since many were located in remote regions. The procurator, not the judge, was in charge of criminal proceedings. The procurator brought cases to court and tried them before a judge and two people's assessors. The court compared the facts as presented by the procurator and the defense and in most cases made its decision after receiving all available information in each case. The court could render one of three decisions: Innocent, guilty, or indeterminate. If indeterminate, a case was returned to the procurator for further investigation. The decision of a court to return a case to the procurator for further investigation could not be appealed, and accused persons were returned to the procurator's custody, where they could remain under detention.

The law provides for defendants' rights, including the presumption of the innocence of the accused; however, such rights were not always respected. The judicial system continued to operate, in many cases, under Soviet laws and procedures in which there was no presumption of innocence and the focus of pretrial investigation was to collect evidence sufficient to show guilt. The Criminal Procedure Code provided for an unlimited number of visits of unlimited duration between an attorney and a client. Although official permission for such visits still was required, such permission usually was granted.

Defense lawyers could obtain access to all evidence gathered during the course of the investigation. In practice all members of the court had equal rights and could question witnesses. Witnesses did not have to present their testimony in court; instead they could affirm or deny their statements in the procurator's files. Under the law, the accused and the defense counsel had access to all evidence gathered by the procurator. They could attend all proceedings, which were usually public, and were allowed to question witnesses and to present evidence. However, this right was not always respected in practice.

The Constitution provides terms for judges that range from 15 years for Constitutional Court judges to 3 years for first-term local judges. Judges of the highest courts were nominated by the President and approved by the Parliament. Local court judges were appointed by the President. Very low judges' salaries led to a credible view among lawyers and citizens that all but a very few scrupulously honest judges were open to bribes or pressure.

Legislators in the past used their parliamentary immunity to avoid being brought to court; however, a 1998 change in the law limited their immunity to official acts only. Defendants were afforded the same constitutional protections in both military and civilian courts, although military court proceedings could be closed to the public. A civilian could be tried in a military court if one of the codefendants was a member of the military. Military court cases could be appealed to a military appellate court and ultimately to the Supreme Court.

During the year, two individuals were prosecuted for apparently political reasons. On May 8, Feliks Kulov, former parliamentary and presidential candidate and opposition Ar Namys Party leader, was convicted in a Bishkek district court of abuse of power related to his activities when he was governor of Chui Oblast in the mid-1990s. The trial was open to the public. The initial prosecution of Kulov, considered the most popular opponent of President Akayev in the 2000 elections, began after his unsuccessful bid for a parliamentary seat in March 2000. On October 11, an appellate court upheld the lower court's finding. This was the third prosecution of Kulov in 2 years.

On January 5, parliamentarian Azimbek Beknazarov was charged with abuse of power in connection with his role in a murder investigation that occurred in 1995 when he was a criminal investigator. Beknazarov's trial was held in Toktogul on March 11-13 and was marked by serious flaws. Sentencing was set for March 18 in Toktogul, but was delayed by mass demonstrations in Jalal-Abad Oblast. Beknazarov was released on March 19. On May 24, the court gave Beknazarov a 1-year suspended sentence. On June 28, an appeals court ruled to close the criminal case, but left the criminal conviction in place (see Sections 1.a. and 1.d.).

Economic crimes such as tax evasion, embezzlement, and theft of government property were common; prosecution for these crimes was rare but at times appeared to be directed at opponents of the Government.

There were no reports of other political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions; however, the Government at times violated these prohibitions. The Constitution prohibits unlawful entry into a home against the wishes of the occupant and states that a person's private life, privacy of correspondence, telephonic, and telegraphic communications are protected; however, this prohibition was not always respected in practice. The law and procedures require the General Procurator's approval for wiretaps, searches of homes, interception of mail, and similar acts; however, the prosecutor could give approval over the telephone for searches, which meant that in such cases no written proof exists to verify that the search was approved. In certain cases, law enforcement officers could carry out a search first and then get approval within 24 hours. If approval was not given, any evidence seized was inadmissible in court.

The SNB continued to monitor the Uighur community (see Section 1.d.). There were unconfirmed reports by citizens active in politics or human rights monitoring that the privacy of their communications was violated. After September 11, 2001, the Government has conducted widespread document checks of some foreigners. These checks often resulted in the detention and deportation of those who were not in the country legally (see Section 2.d.).

Organizational structures responsible for violations of privacy rights during the Soviet era largely remained in place.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press; however, the Government restricted these rights. A 1998 referendum amended the Constitution to preclude Parliament from passing laws that infringe on free speech.

There were approximately 25 to 30 newspapers and magazines with varying degrees of independence, including some that had only local circulation. The state printing house, Uchkun, was the primary newspaper publisher in the country, with several small presses located inside and outside of the capital.

The Government used its influence over printing and distribution of print media to impede the dissemination of information by the independent print media. In January Uchkun stopped printing two independent newspapers, Moya Stolitsa and Res Publica, following publication of articles critical of the Government and the President's family. The printing house claimed the printing was stopped due to an unsigned servicing agreement with the newspaper. Uchkun initially refused to print Moya Stolitsa, but when Res Publica offered their printing run to Moya Stolitsa, Uchkun refused to print either paper. In November Uchkun threatened not to publish an issue of the independent newspaper Aalam because it contained material critical of the President's son. Once the article was removed, the issue was printed.

In December the Government registered the nongovernmental Media Support Center and its independent printing press.

There also were several independent television and radio broadcasting outlets. Two television stations in Osh broadcast in Uzbek: Osh Television, which broadcast in Uzbek part of the time, and Mezon Television, all of whose programs were in Uzbek. The latter was founded by the Mezon Uzbek Ethnic Center to serve the needs of the large Uzbek population in Osh.

Government interference with independent television and radio stations occurred in the past, but there were no reports of such interference during the year. Osh Television successfully settled its dispute with the National Agency for Communications (NAC). The NAC had required Osh Television to change its broadcast frequency from VHF to UHF, which is not used by most Soviet-period television sets. The station and the Association of Journalists protested the change, which would have reduced the number of viewers and imposed financial hardship on the station, as unfair and not justified technically. The station retained its VHF frequency. In addition, Osh Television was engaged in an ongoing dispute with tax authorities over what it considered unfair tax assessments.

Government newspapers, television and radio continued to receive government subsidies, which permitted the Government to influence their coverage and to apply financial pressure on independent media by fostering unfair competition for increasingly scarce advertising revenue. Some news outlets were owned and controlled partly or fully by individuals with close ties to the Government.

The third honor and dignity case against the newspaper Delo No since 2000 was ongoing a year's end.

During the year, 15 lawsuits were filed against the independent newspaper Moya Stolitsa by individuals or organizations claiming encroachment on their honor and dignity; 14 of these cases were filed between mid-November and the end of December.

All media were required to register with the Ministry of Justice and wait for ministry approval before beginning to operate. The Media Law states that the registration process should require 1 month.

On November 28, militia at Toktogul seized 2,500 copies of Kyrgyz Ordo with articles critical of President Akayev as they were being shipped South for distribution.

In January the state publishing house Uchkun refused to print the independent newspaper Moya Stolitsa after it carried articles critical of the Government and the President's family. On March 1, the Bishkek city court of arbitration postponed a trial of Moya Stolitsa on charges of encroachment on the honor and dignity of Uchkun. The same court had ruled on January 29 that Uchkun must print Moya Stolitsa while the investigation was completed and a special court decision was being considered. However, the court cancelled its decision on February 4, upholding Uchkun's appeal, and ruled that the paper should not be printed until a contract between it and the publishing house was renewed for the year. The contract was renewed and Moya Stolitsa was permitted to publish as of May.

On January 14, the Government issued Decree 20, which introduced mandatory government inventory and registration of all typographical and printing equipment and imposed strict importation controls, among other provisions. On May 25, the Government repealed Decree 20, but announced it would establish measures to control publishing on the basis of the Constitution and existing legislation.

In its May 20 report, the Kyrgyz State Commission investigating the Aksy violence named biased coverage from the State Television and Radio Corporation (KTR) as a factor contributing to the unrest, in which police killed six protesters. The Commission's report proposed the creation of a public council to reform KTR. By year's end, its largely progovernment members had made little progress toward reform.

The law on the mass media prohibits the dissemination of government and commercial secrets; material advocating war, violence, or intolerance toward ethnic or religious groups; desecration of national norms, ethics, and symbols (such as the national seal, flag, or anthem); pornography; and encroachment on the honor and dignity of a person (libel). Libel was a criminal, not a civil, action. The Government, acting through compliant courts, used the prohibition of material that encroaches on the honor and dignity of a person to harass and apply pressure on the independent media.

Members of the media were subject to violence and intimidation from unknown elements. On January 19, unidentified persons threw two Molotov cocktails into the offices of a newly established opposition newspaper, Agym, which was owned and operated by the former owner of the independent newspaper Asaba. The office of the independent newspaper Tribuna was robbed on May 28; in addition to equipment, the thieves stole research materials and rough drafts of articles that reporters were writing.

There were no credible reports of the Government censoring or blocking access to the Internet.

The Government did not restrict academic freedom.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, at times the Government restricted this right in practice. On occasion the Government used force--including lethal force--to disrupt peaceful demonstrations.

Prior to a new law on public demonstrations and meetings passed on June 24, the law required official written permission for holding assemblies, rallies, and demonstrations. The new law requires that authorities be given notification of public gatherings and gives authorities the right to prohibit gatherings under certain conditions. At times authorities, including those at local levels, used the requirements for permission and notification to prevent rallies and demonstrations. Permits were required for public marches and gatherings. These usually were available, but in some cases authorities refused to issue permits to opponents or critics of the Government.

Rallies and demonstrations were held regularly in front of the White House, Parliament, and in other places.

Throughout the year, numerous protests, demonstrations, and pickets took place in different areas of the country, including Bishkek, Osh, Jalal-Abad, and Naryn. In most cases, demonstrations took place without interference from authorities; however, there were instances in which security forces forcibly disrupted demonstrations and meetings.

In September the Government issued a 3-month ban on all demonstrations that was subsequently withdrawn.

Following the January 5 arrest of opposition Member of Parliament Azimbek Beknazarov, his supporters in the town of Kara-Suu in Jalal-Abad Oblast responded with actions such as demonstrations, hunger strikes, road closings, keeping children home from school, and hostage-taking of local officials. Sheraly Nazarkul died on February 6 after 21 days on a hunger strike.

On March 17, the day before Beknazarov's sentencing was set to take place, approximately 2,000 of his supporters began to march to the city of Kerben in the Aksy District of Jalal-Abad Oblast to demand his release. Bishkek human rights activist Tursunbek Akunov was taken into police custody after attempting to negotiate with demonstrators. The crowd protested Akunov's arrest, and some demonstrators began throwing rocks. Police were ordered to advance and attempted to disperse the crowd by shooting into the air. Some police shot into the crowd, killing at least five demonstrators (see Section 1.a.). Other demonstrators were beaten. None of the demonstrators were given medical assistance at the scene. Several hours later, several thousand demonstrators in Kerben stormed the police building and set several buildings on fire. One demonstrator was killed and five wounded in the clash between police and protesters. MVD troops were dispatched from Bishkek and elsewhere to restore calm.

In April following the release of a videotape showing police firing on unarmed demonstrators in Aksy, President Akayev dismissed a number of local officials and appointed a state commission to investigate the shootings. In its report issued on May 17, the commission cited the Beknazarov arrest as the main cause of unrest, criticized the state media for biased reporting, and suggested that high-level officials shared blame for the shootings.

In mid-May, numerous protests took place throughout the country following the May 8 sentencing of opposition leader Feliks Kulov to 10 years' imprisonment and the ratification of an agreement delimiting the Kyrgyz-China border. From May 13-21, approximately 1,000 protesters blocked the Osh-Bishkek road demanding Beknazarov's acquittal and punishment of those responsible for the Aksy shootings. On May 16, police forcefully broke up a demonstration involving approximately 500 in front of the Parliament and briefly detained more than 80 demonstrators. Police arrested KCHR head, Ramazan Dyrlydayev, and Kyrgyz Public Committee for Human Rights director, Tursunbek Akunov; both were released on May 17.

On June 5, protesters set up a roadblock near Tash-Kumyr on the Bishkek-Osh highway. Police dispersed the protesters on June 8 and arrested seven people, including the Jalal-Abad correspondent for Radio Liberty. On June 12, the marchers regrouped, headed towards Jalal-Abad, and arrived in the city on June 17. They staged a demonstration in the central square to demand Beknazarov's release and accountability for the Aksy events.

On September 4, protesters from villages in Aksy District began to march to Bishkek. They reached the city of Karakul on September 9 but were prevented by authorities from continuing. Police arrested several protesters and stopped a truck reportedly carrying food supplies for the marchers. On September 12, government officials and protesters agreed to end the march and signed a memorandum laying out further actions.

On October 16, authorities in Toktogul detained approximately 40 demonstrators traveling in a bus towards Bishkek to express their support for local officials charged with involvement in the Aksy events.

On November 14, approximately 300 protesters, primarily from the South, converged on Bishkek to attend a Kuraltai (public forum) organized by opposition leaders and scheduled for November 16. On November 15, the protesters entered the city and approximately 200 demonstrators staged a protest near the city's main bazaar on November 16. Police used nonlethal force to disperse them and detained 129 persons, who were released and transported back to the South on buses with police escorts on November 17. The Kuraltai did not take place because organizers were unable to secure a meeting space. Activists continued efforts to organize the Kuraltai, but it had not taken place by year's end.

In November opposition candidate Usen Sydykov was fined for organizing an unsanctioned rally following a court decision that ruled he was ineligible to run for a vacant parliamentary seat.

The Constitution provides for freedom of association; however, at times local authorities restricted this right in practice. The Law on Public Organizations--which include labor unions, political parties, and cultural associations--requires registration of these organizations with the Ministry of Justice.

During the year, the KCHR continued to report that its members were the targets of threats and intimidation. On May 20, the KCHR's Kochkorka office was ransacked by a crowd. KCHR coordinator Kachkyn Bulatov was taken to the local police station where he was held for 15 days under administrative arrest and interrogated by local authorities.

The law on NGOs distinguishes them from political parties, labor unions, and religious organizations and lowers the required number of members for registration. The registration of an NGO requires at least 3 members; the registration of a political party requires at least 10.

### c. Freedom of Religion

The Constitution and the law provide for freedom of religion, and the Government generally respected this right in practice; however, the Government restricted the activities of radical Islamic groups that it considered to be a threat to the country. Islam was the most widely practiced faith.

Since 2001 the Government worked with representatives of various religious faiths and NGOs to develop a draft law on religion. The draft law remained incomplete as the Government attempted to tighten regulations on missionary activities. Representatives of religious communities expressed concern that some Muslim believers could be named extremists under the law. In April the Central Asian Eparchy of the Russian Orthodox Church issued a statement strongly opposing the draft law, citing concerns that its passage would result in a flood of foreign missionaries.

The State Commission on Religious Affairs (SCRA) was responsible for promoting religious tolerance, protecting freedom of conscience, and overseeing laws on religion. Under the law, all religious organizations were required to register with the SCRA, which was required to recognize the registrant as a religious organization. Each congregation was required to register separately. Religious organizations, including religious schools, were required to register with the Ministry of Justice to obtain status as legal entities, which was necessary for them to own property, open bank accounts, and otherwise engage in contractual activities. Under the tax code, religious organizations were required to pay taxes on commercial activities. The Ministry's registration process was cumbersome, taking a month on average. In practice the Ministry never registered a religious organization without prior registration by the SCRA.

Several religious organizations had difficulty registering with the SCRA. The majority of these were small Christian congregations. On February 28, the SCRA approved the application for registration of the Catholic Mission, which previously experienced difficulties with registration, possibly related to procedural errors in its application. Registration of the Roman Catholic Church was finalized in October. According to the SCRA, all Muslim communities that applied for registration were registered successfully. In February the SCRA and the OSCE cohosted a regional conference on religious tolerance in Jalal-Abad.

The Government was concerned about the threat of political extremism in the guise of conservative Islam, whose followers it labeled "Wahhabis." Armed incursions by militants of the IMU in the summers of 1999 and 2000 increased the Government's apprehension about radical Islam and the actions of its followers. The Government continued to express concern about groups that it viewed as extremist with either radical religious or political agendas. In September senior law enforcement officials testified in Parliament that the primary danger to the state came from religious extremists and the outlawed Hizb ut-Tahrir organization.

A number of missionary groups operated in the country. Missionary groups are required to register with the Government, and in the last 5 years more than 700 foreign missionaries were registered. However, according to official statistics, since independence authorities ordered approximately 20 missionaries who disseminated dogma inconsistent with the traditional customs of Kyrgyz Muslims to leave the country. Information on the religion of these missionaries was not available. Government authorities indicated that they would monitor the activities of the Unification Church, which was led by Reverend Moon, although there were no reports of interference with its activities. The Unification Church was not active in the country, but it had a presence through the charity organization of Reverend Moon's wife.

The Government expressly forbids the teaching of both religion and atheism in public schools. In 2001 the Government instructed the SCRA to draw up programs for training clergy and to prepare methodologies for teaching about religion in public schools. These instructions came in response to concerns about the spread of Wahhabism and what the Government considers to be unconventional religious sects. The SCRA is developing a program to teach about various religions, in cooperation with the Ministry of Education and several academic institutions. However, the program was not implemented by year's end due to lack of funding.



A government decree passed in January imposed strict control on printing activities and instructed the SCRA to issue a report listing all registered religious organizations and creating an inventory of houses of worship. Following protests by local media, human rights NGOs, and other organizations, the decree was rescinded in May.

On January 11, the National Security Service (NSS) detained Bakhodyr Akhmedov, head of the Committee to Protect Muslims' Rights and son of a prominent Jalal-Abad imam, on illegal weapons possession charges. On December 30, he was sentenced to time served on the charge and released.

The arrest and prosecution of persons accused of possessing and distributing literature of the Hizb ut-Tahrir organization increased during the year. Most arrests occurred in the South and involved ethnic Uzbeks; those arrested typically were charged with violation of Article 299 of the Criminal Code, which prohibits the distribution of literature inciting ethnic, racial, or religious hatred. The SCRA chairman stated in October that there were approximately 2,000 Hizb ut-Tahrir followers in the country.

Arrest figures varied depending on the source. The MVD reported that during the year 47 Hizb ut-Tahrir-related cases were investigated by authorities; 49 persons were detained for Hizb ut-Tahrir membership and distribution of its literature, and criminal proceedings were initiated against 40 individuals. In July two Islamic activists in the southern city of Osh were sentenced to 5 years in prison for distributing and possessing Hizb ut-Tahrir materials. According to the International Crisis Group (ICG), which monitors Hizb ut-Tahrir in the South, during 2001 police detained 49 persons in Osh Oblast and 86 in Jalal-Abad Oblast. Of those arrested in Osh Oblast, the Government criminally prosecuted 30. The ICG estimated that the number of prosecutions in Jalal-Abad Oblast was approximately the same. The SNB reported 117 arrests of Hizb ut-Tahrir members in Jalal-Abad Oblast in 2001.

In March members of the Jewish Cultural Society reported that they heard calls for anti-Semitic violence issued in Russian and Kyrgyz from a loudspeaker at a Bishkek mosque.

There was anecdotal evidence of periodic tension between followers of conservative Islam and foreign missionaries in rural areas. Converts from Islam at times faced discrimination. In May the family of a Baptist convert in Naryn was refused permission to bury him in the local Muslim cemetery. Similar incidents were reported in the Issyk-Kul and Chui Oblasts. Muslim and Russian Orthodox spiritual leaders defended such actions with criticism of nontraditional Christian groups' proselytizing activities. The SCRA chairman called for tolerance on all sides.

For a more detailed discussion see the 2002 International Religious Freedom Report.

#### d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice; however, certain policies continued to complicate internal migration, resettlement, and travel abroad.

The law requires that citizens have an official government permit (propiska) to work and settle in a particular area of the country. Applicants for such a residence permit had to file a request for registration with the local police and be able to prove that they have a permanent residence in the area. In addition, home and apartment owners could sell their property legally only to buyers with such permits. During the year, law enforcement agencies conducted sweeps and random checks to verify the proper registration of residents (see Section 1.f.). Authorities fined or imprisoned individuals without residence permits stamped in their passports. Local administrations tied the availability of utilities and social services to registration; individuals who do not register may not have proper access to water, heat, light, subsidized health care, or schooling. The linkage between obtaining a residence permit and obtaining community services disproportionately affected the growing number of internal migrants. Many employers refused to hire applicants residing illegally. In July a new law on internal migration took effect that was developed with the OSCE's assistance. The law's provisions, aimed at moving away from the propiska system, were not yet implemented by year's end.

There was no law on emigration. All passport applications were reviewed by the Ministry of National Security. There were no exit visa requirements and citizens could travel abroad without an exit visa. Unlike in the past, travelers were not required to present letters of invitation to receive an "international page" if they had never traveled abroad. After the validation of the passport, travel was unrestricted. The law prohibits emigration within 5 years of working with state secrets; however, there were no reports that anyone was barred from emigration under this statute during the year.

Although official figures were not available, press reports indicated that the emigration of both ethnic Russians and Russian speakers continued during the year, primarily as a result of the lack of economic opportunities. According

to the International Organization for Migration (IOM), approximately 100,000 Kyrgyz labor migrants worked in Kazakhstan and Russia.

Emigrants were not prevented from returning to the country, and there reportedly was a small but steady flow of returnees.

The law provides for the granting of asylee or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The law provides for first asylum. According to the U.N. High Commission on Refugees (UNHCR), a total of approximately 500 refugees from Chechnya had received first asylum. Chechen refugees were not granted official refugee status by the Government, but were allowed to obtain asylum seeker status, which provided them with some legal protection. Chechen refugees reported experiencing low-level harassment from law enforcement officials.

Other asylum seekers who received permission to stay in the country while their applications for refugee status were pending included 114 Afghans and 5 ethnic Uighurs from China. The UNHCR has registered 2,004 Afghans in the country, of whom 804 had refugee status from the Government, 800 were without status, and 400 had status pending. These refugees, most of whom were ethnic Tajiks, tended to live in small groups isolated from local populations and were viewed by the Government as a potential source of instability. More than 200 Afghan refugees were selected for resettlement in other countries. The Government granted refugee status to 81 Afghans and 127 Tajiks during the year. In addition to Afghans, there were 8,271 persons with refugee status in the country. Of these, six were from Iran and one was from Sri Lanka; the remainder were from Tajikistan. The Government denied four asylum requests by Afghans during the year. During the year, 1,328 cases were closed due to voluntary repatriation, naturalization by Tajik refugees, and resettlement in other countries. The Government cooperated with the office of the UNHCR and other international humanitarian organizations in assisting refugees.

The UNHCR maintained programs to provide medical aid, legal advice, and other services to refugees. The UNHCR also worked closely with the Government to develop documents for legal protection. In June the UNHCR organized the repatriation of 33 Afghan refugees to Afghanistan. According to the UNHCR, 68 Afghan refugees were repatriated during the year.

After September 11, 2001, the Government instituted new controls on the movement of some foreign nationals and conducted sweeps in order to find undocumented foreigners. The UNHCR estimated in 2001 that the Government detained approximately 300 foreigners, primarily Tajiks and Uzbeks but also including some Afghan refugees and asylum seekers, who were later released. The arrests were related to new security measures that included verification of the documents of noncitizens. During the year, refugees and asylum seekers continued to be subject to heightened security measures. The UNHCR intervened in several cases on behalf of individuals detained by the MVD until their status could be determined and documented.

There were no reports of the forced returns of persons to a country where they feared persecution, although there were reports in earlier years of Uighurs opposed to Chinese policies being repatriated forcibly to China where they feared persecution. According to the UNHCR, Uighurs remained at risk of deportation, particularly if they were involved with political and religious activities in China. The UNHCR granted refugee status to eight Uighurs during the year.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully; however, in practice, the Government restricted citizens' ability to do so. Both parliamentary and presidential elections held in 2000 were marred by serious irregularities.

The Government continued to impede the functioning of opposition political groupings and the expression of opposition views in the media. Opposition parliamentarians Azimbek Beknazarov and Adaham Madumarov reported in April that they were shadowed. Opposition newspapers were periodically refused printing services by the government-controlled printing press, and journalists faced libel suits from government officials (see Section 2.a.).

President Askar Akayev dominated the Government. In 2000 President Akayev was elected to a third term as President. Although the Constitution specifies a two-term limit for the President, the Constitutional Court ruled that Akayev could serve a third term because he had been elected to his first term under the Soviet-era Constitution. The Office of Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE/ODIHR) stated that international standards for equal, free, fair, and accountable elections were not met. The Government took steps to disqualify otherwise qualified candidates by charging and convicting them on

questionable criminal charges. There was intervention by local officials in the electoral process. Although six competing candidates offered the electorate some political choice, the restrictive process of candidate registration excluded a number of prominent opposition leaders from the election. Harassment of opposition candidates negatively influenced the fairness of the campaign. Pressure on a major domestic election-monitoring NGO violated fundamental freedoms, a step backward in comparison with the parliamentary elections. Executive authorities, mostly at local and regional levels, interfered in the functioning of election commissions and the electoral process in general. Central Election Commission Chairman Sulaiman Imanbaev conceded that violations occurred but accused the OSCE of bowing to pressure from unnamed political forces to give an overly negative evaluation of the election.

The Constitution provides for parliamentary elections every 5 years. In 2000 the first and second rounds of parliamentary elections were held. For the first time, 15 of the Legislative Assembly's 60 seats were distributed proportionally based on party lists. In the period prior to the parliamentary elections, the Government took numerous actions that disadvantaged opposition political parties. Four political parties were blocked from competing because their charters did not state specifically that they could compete in elections for state bodies. Because they were registered less than 1 year prior to the announcement of elections, 8 parties were barred from competing. The OSCE noted that executive and judicial branch interference in the electoral process continued through the runoffs. In decisions that appear to have been politically motivated, a number of prominent opposition candidates were disqualified or deregistered before the runoffs, despite having led the voting after the first round. A number of opposition candidates were harassed. Although there were improvements in overall election administration on the day of the vote, there were allegations of ballot tampering, government intimidation of voters, and harassment of campaign officials in the elections of a number of opposition leaders.

In 2001 nationwide elections of heads of city and village administrations were held for the first time; previously these officials had been appointed by the President. Voting was conducted in a generally orderly manner, although there were minor technical and organizational failures. Observers reported that it was the first time that voters were not pressured to vote for specific candidates. However, the preelectoral candidate selection process lacked transparency. Voter turnout in some regions was extremely low.

On October 20, parliamentary by-elections were held in four districts in Batken, Osh, and Jalal-Abad Oblasts. Observers reported the Jalal-Abad district elections were generally fair and expressed the will of the voters. In the Osh district elections, significant irregularities were observed, including voting without identity documents, multiple voting using the supplemental list, and distribution of ballots upon presentation of a student card.

There were 7 women in the 105-seat legislature. The Chief Justices of the Constitutional Court and the Supreme Court, the Minister of Education and Culture, and the Minister of Labor and Social Welfare were women. The Democratic Party of Women participated in the parliamentary elections in 2000 and won 2 party seats, earning 13 percent of the party-list votes. There were 19 seats in the legislature held by members of minority groups. Russians and Uzbeks were underrepresented in government positions. The Prime Minister, Minister of Agriculture, and Chief Justice of the Supreme Court were members of minority groups.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Human rights groups generally operated in a hostile environment and were faced with continuous government pressure to curtail their activities. Despite this pressure, most domestic independent human rights organizations, including the KCHR and the Coalition for Democracy and Civil Society, were able to continue investigating and publishing their findings on human rights cases.

There was no action taken on the 2001 assault on the executive director of the Coalition for Democracy and Civil Society.

KCHR president Ramazan Dyryldayev, who fled the country in 2000 after being charged with failure to comply with the Labor Code in firing an employee, returned on April 15 and remained in the country since then. On April 18, the General Procurator's Office announced that there were no charges pending against Dyryldayev.

Authorities threatened criminal prosecution of and violence toward high-profile activists involved in human rights and civil society related NGOs. On February 7, human rights activist Aziza Abdurasulova was assaulted in Bishkek by two individuals while coming home from a meeting with hunger strikers. Robbery did not appear to be the motive, since nothing was taken. On March 19, Interior Minister Akmataliyev accused Tursunbek Akunov, chairman of the Human Rights Movement of Kyrgyzstan, of inciting protests that took place in Jalal-Abad Oblast on March 17

and said that a criminal case should be filed against Akunov.

A progovernment NGO called the Association of NGOs created by the Government in 2000 was largely inactive during the year.

A number of international groups reported on human rights problems in the country although none had offices in the country.

#### Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides for the rights and freedom of individuals and prohibits discrimination, including that based on language. The Government expressed a strong commitment to protecting the rights of members of all ethnic and linguistic groups, as well as those of women; however, in practice it did not always ensure these rights effectively.

#### Women

Violence against women, including domestic violence, was a problem. The law specifically prohibits domestic violence and spousal abuse.

Interior Ministry statistics indicated that during the year there were approximately 300 sexual crimes against women, but actual figures were probably significantly higher. Many crimes against women were not reported due to psychological pressures, cultural traditions, and apathy by law enforcement officials.

Activists noted that rape was becoming more common, although it was not clear whether the incidence of rape or only the reporting of such attacks was becoming more common. The authorities often ignored such attacks. There were reports that police raped women in custody. The Government did not take specific action to deal with this problem of violence against women.

Several organizations provided services for victims of domestic violence. Organizations involved with battered women also lobbied for new laws on domestic violence. The Umut (Hope) Center in Bishkek, which had provided basic protection and counseling for battered women and girls, closed during the year due to a lack of funding. A new organization, the Association of Crisis Resolution Centers for Women and Children (ACRC), began operations with support from the Soros Foundation. ACRC has member organizations in Bishkek, Osh, Jalal-Abad, Naryn, Batken, Cholpon-Ata, and Talas. Another center in Bishkek, Sezim, maintained a staff of lawyers, psychologists, and doctors, and operated a crisis hot line for the public. Staff members conducted training, debates, and seminars on women's rights and family planning. During the year, Sezim sponsored a series of travelling theater educational performances on the problem of domestic violence in Batken, Osh, and Jalal-Abad Oblasts. There also were internationally funded crisis centers in both Talas and Jalal-Abad. In Naryn a crisis center operated by the NGO Tendesh maintained a hot line to support women affected by violence and provided psychological, legal, and medical assistance.

Trafficking in women and girls for the purpose of prostitution was a persistent problem (see Sections 6.c. and 6.f.).

Some rural inhabitants continued the traditional practice of kidnaping women and girls for forced marriage; the MVD reported that each year between 10 and 30 women were kidnaped and forced into marriage.

Sexual harassment is prohibited by law and is covered in the Criminal Code. Penalties range from fines to imprisonment.

Discrimination against women persisted. Family law prohibits divorce during pregnancy and while a child is younger than 1 year of age. The law gives equal status to women, and they were represented well in the work force, in professions, and in institutions of higher learning.

Women were prominent in law, medicine, accounting, and banking and played an active role in the rapidly growing nongovernmental sector. However, deteriorating economic conditions had a severe effect on women, who were more likely than men to lose their jobs. According to government statistics, the unemployment rate was 3.7 percent for women compared with 2.7 percent for men. The average wages for women were less than \$22 per month (1,022 soms), compared to \$35 per month (1,620 soms) for men. Women with children under the age of 16 accounted for 67 percent of unemployed women. Women made up the majority of pensioners, who have felt the

negative effects of the country's economic downturn, which led to inflation and the erosion of pensions that often were paid late. Women's groups expressed particular concern about the situation of rural women. With the end of communism, traditional attitudes toward women reasserted themselves strongly in the countryside, where women were relegated to the roles of wife and mother, and educational opportunities were curtailed. Data indicated that women were becoming less healthy, more abused, less able to work outside the home, and less able to dispose of their earnings independently.

The Congress of Women operated legal clinics for women throughout the country to help counsel women on legal issues and women's problems. Center Mercy ran a program to find employment in handicraft production for mothers of large families. The Center for Women's Initiative, Aigerim, had programs to assist needy families. According to Counterpart Consortium, 236 NGOs dealing with women's problems operated in the country during the year, of which 25 dealt with women's advocacy. Women's organizations focused on violence against women, gender equality, women's reproductive health, women's involvement in politics, and education in women's rights. One NGO, Diamond Association, focused on promoting the participation of women in traditional courts of elders.

## Children

There were government programs, many of them financed from abroad, directed at improving the condition of children; however, the Government lacked resources to address fully basic needs for shelter, food, and clothing.

The country had a 97 percent literacy rate. The Constitution states that education is compulsory and free of charge for the first 9 years. The Law on Education and the Law on Protection of Children's Rights require that secondary education be free and universal. These laws contradict the Constitutional mandate of 9 years' compulsory education but were adhered to instead of the Constitution.

Financial constraints prevented the Government from implementing free basic education for all students. Those families that kept their children in public schools had to pay burdensome administrative fees. Girls and boys attended school in equal ratios. According to UNICEF, the primary school enrollment ratio was 98 percent for both girls and boys. The secondary school enrollment ratio was 75 percent for boys and 83 percent for girls. The Criminal Code penalties for infringing on a student's right to obtain free secondary education range from receiving a public reprimand to 1 year of forced labor; the law penalizes parents who do not send their children to school or who obstruct their attendance. Many of those families who could afford it chose to send their children to more expensive private schools.

The Government has established two funds, Jetkinchek and Kadry XXI Veka (Cadres of the 21st Century), to provide educational benefits for low-income children and children with disabilities. Jetkinchek, a Presidential Educational Program created in 1999, provided assistance such as pens, books, and clothes to low-income children. The program was funded primarily by the Government but received assistance from international organizations. Kadry XXI Veka was financed by international organizations and helped some youth continue their education abroad.

According to the Government, deaths from tuberculosis accounted for almost half of all deaths among infants under 2 years of age, and the incidence of the disease continued to grow. After independence, vaccine-preventable diseases such as diphtheria, polio, and measles reemerged. A range of serious nutrition-related problems affected a large number of children, especially in rural areas. According to UNICEF, approximately 11 percent of infants were moderately or severely underweight. The infant mortality rate was 53 percent, and the under-five mortality rate was 63 percent. The Government provided health care for children. According to UNICEF, the Government financed 30 percent of routine vaccinations. The system of residence registration restricted access to social services, including healthcare and education, for children that belonged to certain groups, such as refugees, migrants, and internally displaced persons, and to noncitizens (see Section 2.d.).

Child abuse was a problem. Traditional social safety measures were inadequate to cope with the social pressures that affect families. There were increasing reports of abandonment due to parents' lack of resources to care for children, which led to larger numbers of children in institutions, foster care, or on the street. According to UNICEF, the children most at risk were those in these 3 categories, with 10- to 14-year-olds the highest-risk age group. State orphanages and foster homes faced a lack of resources and often were unable to provide proper care. The Kyrgyz Children's Fund (KCF) was concerned particularly about the growing number of street children, many of whom left home because of abusive or alcoholic parents or desperate economic conditions. Save the Children Fund and UNICEF estimated that as many as 7,000 children may live on the street, while the government estimate was 1,500. As of January, 140 street children were officially registered in the city of Jalal-Abad, although the actual number was believed to be much higher. The majority of street children found temporary shelter at bazaars and

bus or train stations. Approximately 80 percent of street children were internal migrants. In September NGOs and the Commission on the Affairs of Under-Age Children organized conferences in Bishkek and Osh on the problem of homelessness among children.

During the last 3 years, 36 persons were convicted for involvement of a child in prostitution, sexual actions, and for the production of pornography and 10 persons were convicted for sale and trafficking of children.

There were almost 300 child inspectors (MVD policemen) in the country charged with enforcing the law with respect to juveniles (see Section 6.f.).

The lack of social workers or a well-established social work tradition meant that cases involving abandoned or orphaned children were viewed typically as law enforcement matters. As a result, authorities conducted sweeps to round up and institutionalize street children. Children who were found were sent to orphanages and police holding centers, depending on the space available. The KCF had one shelter in Bishkek to provide food, clothing, and schooling to approximately 30 children. The Svetlii Put shelter received training assistance from UNICEF and cared for more than 200 children during the year. The SOS Children's Village, funded by the Austrian organization Kinder Dorf International and other foreign and domestic organizations, cared for orphans. Approximately 120 children and 14 mothers lived in this village, which offered housing and a kindergarten. KCF also maintained a Children's Village in Issyk-Kul Oblast with capacity for 120 children.

Human rights groups noted that children who were arrested usually were denied lawyers. Police often did not notify parents of children who were arrested, and neither parents nor lawyers generally were present during questioning, despite laws to the contrary. Children often were intimidated into signing confessions.

The forced marriage of underage girls is illegal; however, it has become more common, and authorities often tacitly approved this practice. Cultural traditions and social structures discouraged victims from going to the authorities. The MVD reported that during the year six underage girls were kidnapped to become brides, but the actual number was probably significantly higher.

Girls were trafficked for the purpose of prostitution (see Section 6.f.).

Child labor was a problem (see Section 6.d.).

Human rights groups and the KCF monitored the condition of children and advocated for child rights. In response to the lack of a focal agency for protecting the rights of children, the Government established an interministerial body, the Commission on the Affairs of Under-Age Children, under the Office of the Prime Minister. This body provides a forum for discussing and coordinating responses to children's problems. The Commission was involved in the adoption in January of the National Program on Human Rights for 2002-10. The program contained components on children's rights, such as education, health care, and access to employment. The joint efforts of the Commission and several NGOs led to the adoption on July 12 of the Program on Homeless Children and Crime Prevention Among Under-Age Children for 2002-03.

The Government and its Commission continued to disseminate information regarding children's rights among both children and adults. The Ministries of Justice, Education, Culture, and Health, as well as the state television and radio company and various NGOs, also helped disseminate such information, including by translating information into Kyrgyz, Russian, and Uzbek to reach different segments of the population. The Children's Media Centre (CMC), a Bishkek-based NGO, produced magazine and video stories about children's rights and the situation of children in the country. Student journalists participating in the CMC were required to receive training on the main principles of the U.N. Convention on the Rights of the Child. During the year, the state-run television channel, KTR, began to donate airtime twice a month to the CMC's programs.

#### Persons with Disabilities

The laws provide for convenient access to public transportation and parking for persons with disabilities, subsidies to mass media sources that make their services available to the hearing or visually impaired, and free plots of land for the construction of a home. The National Human Rights Program 2002-10, adopted by presidential decree in January, contains provisions for protection of the rights of children with disabilities.

In practice few special provisions were in place to allow persons with disabilities access to transportation, public buildings, and mass media. In addition, persons with disabilities often had difficulty finding employment because of

negative societal attitudes and high unemployment among the general population. The lack of resources made it difficult for persons with disabilities to receive adequate education. Social facilities for persons with mental disabilities were strained severely, because budgets have fallen and workloads remained heavy.

The Government provided support to a network of enterprises operated by the Society for Blind and Deaf. The Government also supported education programs for persons with disabilities. Seventeen blind students began studies in therapeutic massage at the Medical Academy. Numerous NGOs worked to improve conditions and provide services for children with disabilities.

#### National/Racial/Ethnic Minorities

There were no further developments in the March 2000 murder of Nigmat Bakakov, a leading representative of the ethnic minority Uighur community. In February arson was suspected in a fire that destroyed Bishkek's Uighur market. There were no reports of violence or harassment of ethnic Uighurs during the year.

There were reports of discrimination in the treatment of citizens who were not ethnic Kyrgyz. Minorities alleged discrimination in hiring, promotion, and housing and that government officials at all levels favored ethnic Kyrgyz. The latest statistical data released in August reflected the following ethnic breakdown of the population: 66.3 percent were Kyrgyz; 11.2 percent were Russians; 14 percent were Uzbeks; 1.1 percent were Dungans (ethnic Chinese Muslims); and 1 percent were Uighurs. Other ethnic groups, including Tatars and Germans, made up 6.4 percent of the population.

When President Akayev reassigned key government posts in late May, he appointed Nikolai Tanayev, an ethnic Russian, as Prime Minister (see Section 1.e.). The only ethnic Uzbek appointment was Deputy Minister of Regional Development Bakhtiyar Fattahov.

According to participants at a May conference sponsored by the Soros Foundation, the main concerns of ethnic minorities in the country included limited representation in the executive branch of government, nationalistic attitudes, and biased media coverage. On July 20, Jalal-Abad businessman Kadyrjan Batyrov initiated an Assembly of Uzbeks to express demands for political representation at national and local levels and request greater cultural rights, such as Uzbek programs on state television and more Uzbek schools.

The Constitution designates Kyrgyz as the state language, but it provides for preservation and equal and free development of Russian and other languages spoken in the country. Kyrgyz increasingly replaced Russian, and the Government announced that by 2010 all government documents are to be in Kyrgyz. Russian-speaking citizens (those who do not speak Kyrgyz) also alleged that a ceiling exists in government employment that precludes their promotion beyond a certain level. In 2001 President Akayev signed legislation that made Russian an official language. Some otherwise qualified candidates were disqualified on the basis of exams, the fairness of which was questioned. In June ethnic Uzbeks sent a petition to the Government requesting that Uzbek be granted the status of a state language.

Since independence more than 400,000 ethnic Russians have emigrated (see Section 2.d.). In 2000 the Government signed a bilateral agreement with Russia clarifying the legal status of citizens of one country residing in the other country.

University education continued to be carried out largely in Russian (although Kyrgyz instruction was available in some departments in some universities where textbooks were available), so that Russian-language capability remained an important skill for those who wished to pursue higher learning.

#### Section 6 Worker Rights

##### a. The Right of Association

The Labor Law provides for the right of all workers to form and belong to trade unions, and there were no reports that the Government tried to obstruct the formation of independent unions. The Federation of Trade Unions of Kyrgyzstan, the successor to the former official union, remained the only trade union umbrella organization in the country, although unions were not required to belong to it. In 2001, the most recent year for which figures were available, the Federation had 980,400 members. According to the Federation, approximately 94 percent of workers in the country belonged to unions. There was one small independent union, the Union of Entrepreneurs and Small Business Workers, whose membership reached approximately 30,000.

The Federation was critical of government policies, especially privatization, and their effect on working class living standards. According to the Federation, the Government has taken no action in response to this criticism. The Federation continued to regard itself as being in a process of transition, during which it is adjusting its relations with the Government, other unions in the countries of the former Soviet Union, and other foreign unions. Growing numbers of smaller unions were not affiliated with the umbrella organization.

The law protects union members from antiunion discrimination, and there were no reports of discrimination against persons because of union activities.

The law permits unions to form and join federations and to affiliate with international trade union bodies; however, no meaningful affiliation with international trade union bodies took place.

#### b. The Right to Organize and Bargain Collectively

The law recognizes the right of unions to negotiate for better wages and conditions; however, there were no cases of workers exercising this right during the year. Although overall union structure and practice has changed only slowly from those of the Soviet era, there was growing evidence of active union participation in state-owned and privatized enterprises. The Government set the minimum wage, after which each employer set its own wage level.

While the right to strike was not codified, strikes were not prohibited. There were no retaliatory actions against strikers, nor were there instances of abuse directed specifically at unions or individual workers. In early February, architectural design instructors at the Kyrgyz State University of Construction, Transport, and Architecture held a 4-day strike protesting the suspension of their salaries and the university administration's personnel policy. Their demands were met after the strike was reported in the local media. In mid-February, traders from 3 markets in Karakol held a 1-day strike protesting a local tax increase and demanding a reduction in fees for bazaar facilities. The head of the local district administration met with the strikers, but no further information was available about the status of their demands. In early October, local employees of the Turkish Entes company, involved in the reconstruction of the Osh-Bishkek highway, held a strike protesting a 3-month suspension of their wages. The strikers' demands were met after local authorities became involved in the case.

There were Free Economic Zones (FEZs) that were used as export processing zones. The minimum wage law does not apply to the approximately 3,000 workers in ordinary FEZs.

#### c. Prohibition of Forced or Bonded Labor

The law forbids forced or bonded labor, including by children; however, there were reports that such practices occurred (see Section 6.f.). The press reported that Kyrgyz citizens were forced to work without pay on tobacco farms in Kazakhstan.

Schools required children to participate in the tobacco harvest--some fields were located on school grounds--and the income earned went directly to the schools, not to the children (see Section 6.d.). The Government undertook additional initiatives to help protect minors from forced labor; however, since the budget was facing severe funding constraints, many children who were entitled to receive help did not receive it.

#### d. Status of Child Labor Practices and Minimum Age for Employment

The Labor Code provides for the protection of children from economic exploitation and from work that poses a danger to their health, or spiritual, physical, mental, or academic development. The minimum age for employment varied with the type of work, but was no lower than 14. According to the Labor Code, the minimum age for basic employment was 18. This was consistent with the age for completing educational requirements.

The Labor Code is contradictory in the requirements it sets for the minimum age of employment of youths in work that could harm their physical and moral well being (e.g., employment in casinos, bars, and night clubs). Article 285 states that such work is prohibited for those under age 21; however, Article 319 prohibits such employment for those under age 18. According to the Labor Code, children under the age of 16 are permitted to perform strenuous work with parental consent. However, minors younger than age 18 could not work in underground conditions. For children between ages 14 and 16, Article 319 sets the maximum daily hours of work at 5 to 7 hours, respectively; children under 16 could not work during night shifts. These laws also applied to children with disabilities who work. A July 2 decree banned the employment of persons under 18 in a wide variety of categories of employment involving difficult or dangerous conditions, including work in such sectors as the metal or oil and gas industries,



mining and prospecting, food industry, entertainment, and machine building. The National Human Rights Program for 2002-10 also contains provisions aimed at eradicating exploitative child labor.

Child labor was a problem and was becoming more widespread both in towns and rural areas. According to participants in a September conference on child labor, child laborers were prevalent in the following sectors: Construction, prostitution, narcotics, tobacco, cotton, rice, cattle breeding, heavy industry, gasoline sales, car washing, shoe cleaning, retail sales of tobacco and alcohol, and work involving pesticides and chemicals. Since many children worked for their families or were "self-employed" in such occupations as selling newspapers, pushing handcarts at markets, and selling cigarettes and candy on the streets, it was difficult for the Government to determine whether their work schedules and environment conformed to government regulations. Families traditionally were large, and they considered it necessary at times for children to work at an early age to help support the family on the family farm or in the family business.

According to reports from various NGOs, child labor was particularly evident in the South. During the fall, classes were cancelled, and children were sent to fields to pick cotton. During the summer, children worked during the tobacco harvest and were involved in all steps of production from the actual picking of the leaves to the preparation for shipping. Children also were involved in family enterprises such as shepherding, bread baking, selling products at roadside kiosks, and growing fruits and vegetables.

The procurator's office and the State Labor Inspectorate were responsible for enforcing employers' compliance with the Labor Code laws. During the year the State Labor Inspectorate received \$10,400 (500,000 soms) in state budget funding and had a total of 64 inspectors throughout the country. The Legislative Assembly established a special commission on education, women's affairs, the family, and minors that oversees the legal protection of the interests of minors whenever new laws are discussed in Parliament. Compliance with the labor code was enforced by trade unions; however, given its budget constraints and lack of resources, the Government was unable to enforce the child labor laws adequately. Although those employers caught violating the Labor Code may be charged with disciplinary, financial, administrative, or criminal penalties, the punishment was usually minimal. In recent years, the State Labor Inspectorate usually conducted 15 to 20 child labor inspections annually. The Federation of Trade Unions also had the right to carry out child labor inspections when it received a complaint.

The Government supported several social programs to prevent the engagement of children in exploitative child labor. Araket, a national poverty reduction program, provided financial support for low-income families. New Generation, a children's rights program, worked to define suitable working conditions for children and to introduce new methods of monitoring employers' compliance with labor legislation. Various ministries and local government officials met in September to discuss implementation of the program.

The Government has not ratified International Labor Organization (ILO) Convention 182 on the worst forms of child labor and the country's laws and regulations do not define such forms of labor the same way as the ILO.

The law prohibits forced and bonded labor by children; however, some tobacco fields were located on school grounds, and schools required children to participate in the harvest. The income earned went directly to the schools, not to the children (see Section 6.c.).

#### e. Acceptable Conditions of Work

The Government mandated the national minimum wage. During the year, the legal minimum wage was approximately \$2 (100 soms) per month. In practice this wage was insufficient to ensure a decent standard of living for a worker and family. However, industries and employers generally paid somewhat higher actual minimum-level wages. According to official statistics, the lowest salaries paid in 2001, \$15 (734 soms) per month, were in the field of medicine. The Federation of Trade Unions was responsible for enforcing all labor laws, including the Law on Minimum Wages; minimum wage regulations largely were observed. Although, the enforcement of labor laws was nonexistent in the growing underground economy, market forces helped wages in the unofficial sector keep pace with official wage scales.

The standard workweek was 41 hours, usually within a 5-day week. For state-owned industries, there was a mandated 24-hour rest period in the workweek.

Safety and health conditions in factories were poor. A deterioration in enforcement of existing regulations continued to hamper investment to improve health and safety standards. The State Inspectorate of Labor was responsible for protecting and educating workers as well as informing business owners of their respective rights and responsibilities. The law establishes occupational health and safety standards, as well as enforcement

procedures. Besides government inspection teams, trade unions were assigned active roles in assuring compliance with these laws, but compliance was uneven among businesses. During the last 3 years, the State Labor Inspectorate carried out 3,400 inspections for all types of labor issues and detected approximately 17,000 violations. Workers had the legal right to remove themselves from unsafe working conditions; however, in practice refusal to work in situations with relatively high accident rates or associated chronic health problems could result in loss of employment, although only if informal methods of resolution failed.

#### f. Trafficking in Persons

The law does not address specifically trafficking in persons; however, trafficking was a persistent problem. Government officials facilitated, or were complicit in, trafficking.

There was no law specifically prohibiting trafficking in persons; however, existing laws could be used to prosecute traffickers for kidnaping, trading in children, recruiting persons for exploitation, coercion into prostitution, rape, and deprivation of freedom. The maximum sentence for those prosecuted under these laws was 15 years; however, the very few traffickers who were caught received lenient sentences or fines.

Accurate and comprehensive information on the number of persons convicted for trafficking-related offences during the year was not available. According to the Government, four criminal cases were initiated in connection with illegal recruitment of persons during the year. In addition, there were 28 criminal cases (on charges of illegally crossing the border) brought against 31 persons who were potential victims of trafficking. The Government did not actively investigate specific cases of trafficking or provide any specialized training for trafficking investigations. Law enforcement bodies considered trafficking under the umbrella of "contraband" or organized criminal groups and did not target trafficking specifically. A lack of coordination between government agencies involved in migration issues, the obscure wording of laws regarding trafficking, and corruption contributed to the problem. The Government did not extradite citizens charged with trafficking in other countries.

On April 21, President Akayev signed Presidential Decree 94 authorizing implementation of a national countertrafficking plan. The decree created a national council responsible for coordinating government efforts to implement the program. However, the Government lacked adequate resources to implement many aspects of the program.

The government agencies involved in antitrafficking efforts were the Ministry of Foreign Affairs, the Ministry of Interior, the National Security Service, the Ministry of Health, the State Procurator's Department, the State Agency of Migration, and the State Committee for Tourism, Sport and Youth Policy. The Government created an Inter-Ministerial Council after the release of a 2001 IOM report to develop a plan of action to combat trafficking. The Council recommended that the Government cooperate with other governmental ministries and departments, as well as with international organizations, NGOs, and Interpol. Local NGOs stated that the Government did not cooperate with these groups to help assist victims although, according to Sezim, the General Procurator's Office cooperated in the past with Sezim and indicated a desire to increase cooperation. However, many observers stated that there appeared to be an overall lack of understanding of trafficking problems in the Government and inadequate training of law enforcement officers in identifying and fighting trafficking.

According to the IOM, approximately 4,000 women and 7 boys were trafficked abroad in 1999. No estimates were available for subsequent years; however, the IOM reported that it dealt with several cases of trafficking during the year. The country was primarily a source and transit point for trafficked persons, although there were a few reports of the country being a destination for women trafficked as prostitutes. According to the Ministry of Internal Affairs, 65 prostitutes from Uzbekistan and Tajikistan worked in the cities of Osh and Batken. According to the IOM, the country has become a transit point for individuals trafficked mostly from South Asia, China, and Afghanistan to the West. The exact number of those in transit was unknown. The country was a source for trafficked women and girls, largely to the United Arab Emirates, Turkey, Germany, and China, for the purpose of prostitution. Government and NGO data also indicated that women could have been trafficked to India, Iran, Sweden, Malaysia, Hong Kong, South Korea, Qatar, Italy, Luxembourg, Denmark, and Poland.

The IOM reported some instances of trafficking of children for prostitution and labor. A flourishing sex trade draws girls as young as age 10 from destitute mountain villages. According to the IOM, the sex trade involved trafficking abroad. The extent of this problem was unknown.

The Bishkek Migration Management Center (an independent NGO) and the State Agency of Migration estimated that between 500 and 5,000 persons, mostly poor farmers from the South, also may have been trafficked to Kazakhstan as forced laborers on tobacco plantations. An agreement drafted by the Legislative Assembly

Committee on Kyrgyz Labor Migration, aimed at protecting the rights of Kyrgyz laborers in Kazakhstan, was under consideration by the Government. The local press also carried reports of Kyrgyz forced laborers trafficked to the United States.

Groups targeted by traffickers included young under- or unemployed women who were unable to earn a living, particularly ethnic Slavic women under the age of 25. Poor economic conditions, high unemployment, particularly in the South, and gender inequality made young women and poor workers vulnerable to traffickers who exploited them by offering lucrative jobs abroad. Often women were trafficked through deception and lured abroad, at times by means of newspaper advertisements, under the pretext of legitimate employment. Women responding to job offers for waitresses, au pairs, or dancers could find themselves abroad without documents or money for return tickets and forced to work for their traffickers. Internet marriage agencies also reportedly recruited young women with false offers of marriage to foreigners.

The IOM reported that traffickers were often persons who previously operated local prostitution networks. They used networks of returnees, family members, and friends to recruit victims. The IOM also indicated that tour agents, restaurants, and nightclubs supplemented their activities by providing young women to foreign prostitution rings. In July the MVD's migration services division reported that eight recruitment firms registered in the country advertised their services in helping women find work abroad but did not ask for any special qualifications. The IOM uncovered 28 trafficking firms by year's end.

Observers widely believed that some government authorities might have facilitated or otherwise been complicit in trafficking activities. In 1999 and 2000, 11 law enforcement officers were accused of preparing fraudulent documentation for trafficked women, and criminal proceedings were instituted against 3 of the accused officers. The results of the proceedings were unknown, although there was no evidence that the officers were tried.

According to NGOs, victims in destination countries often had their identification documents taken away, were punished with gang rape if they tried to resist or escape, and were denied medical treatment.

NGOs reported that the Government deported foreign victims of trafficking. According to an NGO, TAIS-Plus, three Uzbek women who had been sex workers were deported to Uzbekistan in 2001. The IOM reported that women working in the UAE were often deported to Azerbaijan. Many of those who transited the country were abandoned by the traffickers and lived in hiding out of fear of being discovered by authorities. The OSCE and IOM reported that many of those who returned from commercial work overseas stated that they were forced to pay bribes to law enforcement officials to avoid imprisonment. According to NGOs, the Government did not assist trafficking victims with any special services or care facilities and did not provide funding to foreign or domestic NGOs for services to victims. The Government did not provide assistance to its repatriated nationals who were trafficking victims.

International NGOs that were involved in trafficking issues included the IOM and OSCE. The IOM conducted a series of workshops for law enforcement officers. A number of NGOs--including Women's Support Center, TAIS-Plus, Sotsium, Sezim and Umut--provided legal, medical, and psychological counseling and assistance and economic aid to victims of trafficking. Several media articles raised public awareness of the problem.

The IOM, OSCE, and local organizations sponsored various preventive programs. In January the OSCE and IOM produced antitrafficking public service announcements. The IOM held numerous roundtables and workshops to increase awareness among the government, nonprofit, tourism, and media sectors. The Women Support Center distributed brochures in Kyrgyz and Russian targeting women who may be approached about going abroad.